IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6218 of 2007()

CRMP.3221/2007 of II ADDL. DISTRICT COURT, KOLLAM

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CRIME NO.689/07 OF KOTTARAKKARA POLICE STATION

PETITIONER :

RAJAN MATHEW, AGED 46 YEARS,
S/O.MATHAI, HEAD CONSTABLE (GENERAL),
ANCHAL POLICE STATION, RESIDING AT AJULI BHAVAN,
VILANGARA, CHEPPRA P.O., UMMANNOOR VILLAGE,
KOTTARAKKARA TALUK.

BY ADV. SRI.V.V.RAJA
SRI.M.T.SURESHKUMAR

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
S.I OF POLICE, KOTTARAKKARA POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6218 OF 2007

Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner – a Police Constable, faces allegations under Secs.498A and 420 of the IPC. The marriage took place in 1989. There are two children born in the wed-lock. The crux of the allegations against the petitioner is that the petitioner has been guilty of matrimonial cruelty of the culpable variety against the de facto complainant. There is a further allegation that the petitioner had fraudulently pledged the property documents of the de facto complainant and secured a loan four years prior to the date of the complaint. Even allegedly the loan was availed for the purpose of construction of the house for the spouses to reside.

2. The learned counsel for the petitioner prays, the

learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances to which I have already made a brief reference above, that the petitioner can be granted anticipatory bail. In the absence of opposition from the learned Public Prosecutor, I am not adverting to the facts in any greater detail in this order.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 23/10/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 24/10/07 and 25/10/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall

thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 23/10/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 23/10/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge